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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 CITIMORTGAGE, INC,

8 Plaintiff,

Case No. 2:17-cv-3003-KJD-VCF

9 v.

ORDER

10 SFR INVESTMENTS POOL 1, LLC,

11 Defendant.

12 On July 25, 2018, this Court entered an order denying Plaintiff CitiMortgage, Inc.’s
13 Motion for Summary Judgment, denying Defendant SFR Investments Pool 1 LLC’s Motion to
14 Dismiss, and staying the case. ECF No. 23. Neither party has moved to lift the stay. However,
15 given the subsequent resolution of the issues that necessitated the stay, the Court now lifts the
16 stay.

17 **I. Background and Analysis**

18 This case arises from the nonjudicial foreclosure sale by Manchester Park Homeowners
19 Association on the property located at 10802 Cape Shore Ave., in Las Vegas, Nevada. This case
20 shares a similar fact pattern with many cases currently pending before this Court, all having to do
21 with HOA foreclosure sales. One of the issues before the Court centers in whole or in part
22 around the question of what notice of default the foreclosing party was required to provide
23 Plaintiff before foreclosure on a property. After the Nevada Supreme Court’s decision in SFR
24 Invs. Pool 1, LLC v. U.S. Bank, the Ninth Circuit decided Bourne Valley Court Tr. v. Wells
25 Fargo Bank, N.A., 832 F.3d 1154, 1160 (9th Cir. 2016) (holding NRS § 116.3116(2)’s statutory
26 notice scheme was facially unconstitutional).

27 On April 21, 2017, in Bank of New York Mellon v. Star Hills Homeowners Ass’n, this
28 Court certified the following question to the Nevada Supreme Court: “Whether NRS

1 § 116.31168(1)'s incorporation of NRS § 107.090 requires homeowners associations to provide
2 notices of default to banks even when a bank does not request notice?" No. 2:16-cv-2561-RFB-
3 PAL, 2017 WL 1439671, at *5 (D. Nev. Apr. 21, 2017).

4 In granting certification, the Court reasoned the following: In Bourne Valley, the Ninth
5 Circuit definitively answered the question that the statute's "opt-in" framework was
6 unconstitutional. 832 F.3d at 1160. However, that left the Court with the unresolved question of
7 what notice must be provided. "It is solely within the province of the state courts to
8 authoritatively construe state legislation." Cal. Teachers Ass'n v. State Bd. of Educ., 271 F.3d
9 1141, 1145 (9th Cir. 2001). As such, state law questions of first impression like this one should
10 be resolved by the state's highest court. See Huddleston v. Dwyer, 322 U.S. 232, 237 (1944).

11 On August 2, 2018, the Supreme Court of Nevada answered the certified question. See
12 SFR Invs. Pool 1, LLC v. Bank of New York Mellon, 422 P.3d 1248 (Nev. 2018). Further, it has
13 since issued several opinions that may bear on the issues in this action. See, e.g., Wells Fargo
14 Bank, N.A. v. Tim Radecki, 426 P.3d 593 (Nev. 2018); Bank of America, N.A. v. SFR Invs.
15 Pool 1, LLC, 427 P.3d 113 (Nev. Sep. 13, 2018).

16 **A. Stay of the Case**

17 A district court has the inherent power to stay cases to control its docket and promote the
18 efficient use of judicial resources. Landis v. North Am. Co., 299 U.S. 248, 254–55 (1936);
19 Dependable Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007). A
20 stay is no longer necessary in this action where the certified question has already been decided.

21 **B. Briefing Schedule**

22 The parties may either file a stipulation or move the Court for a modified discovery plan
23 and scheduling order as necessary. If the parties fail to do so, dispositive motions are due no later
24 than forty-five days after the entry of this order. Any future dispositive motions must address the
25 most recent case law applicable to the issues in this case.

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